

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CONRAD CARRENARD,

Plaintiff,

-against-

ORDER
CV 03-6482 (ADS)(ARL)

SEARS ROEBUCK AND COMPANY, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court are the parties' letters submitted in response to the court's August 18, 2005 order. In that order, the parties were directed to outline all outstanding discovery, when the outstanding requests were made and, where appropriate, provide the court with an explanation for the failure to timely respond or seek court intervention. The court has reviewed the letters and find both to be inadequate.

To begin with, neither party has provided the court with an explanation for why no discovery was conducted between November 4, 2004, the date the scheduling order was entered, and July 1, 2005, when the defendants first served their untimely requests.¹ The court was troubled by the plaintiff's admission that even automatic disclosure remains outstanding. Moreover, the plaintiff has not indicated the specific discovery that remains outstanding, referring instead to the court's scheduling order. Similarly, the defendants only refers to their discovery requests served in July, and thus, the court assumes that the defendants do not require additional discovery. Finally, although the plaintiff indicates in his letter that he has a valid reason for not seeking court intervention prior to the close of discovery, he apparently decided not to share that

¹Service by the defendants of discovery requests three weeks before the deadline for all discovery did not provide the plaintiff with sufficient time to respond and thus, were untimely.

reason with the court in his letter despite the court's direction to do so.

Although the undersigned does not wish to countenance this behavior, recognizing this court's preference to have cases decided on the merits, the undersigned will give the parties four more weeks to complete discovery. Accordingly, the parties will respond to all outstanding discovery requests by September 23, 2005. In addition, all depositions shall be completed by September 23, 2005. All expert discovery shall be completed by October 7, 2005. Any party planning on making a dispositive motion shall take the first step in the motion process by October 21, 2005. The parties are directed to consult Judge Spatt's individual rules regarding such practice. The final conference scheduled for September 6, 2005 is adjourned to October 28, 2005 at 11:30 a.m.

The parties are warned that no further adjournments shall be granted.

Dated: Central Islip, New York
August 23, 2005

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge